IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

MONDAY, THE 16TH JULY 2007 / 25TH ASHADHA 1929

Bail Appl..No. 4312 of 2007()

CRMP.1284/2007 of DISTRICT COURT, PATHANAMTHITTA
CRIME NO.144/2007 OF PULIKEEZHU POLICE STATION

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PETITIONERS/ACCUSED

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1. T.C.MATHEW, AGED 30 YEARS,
   S/O.LATE P.M.CHACKO, THEKKILPUTHEN PURAYIL,
   KALLUNKAL P.O., NEDUMPHRAM VILLAGE, THIRUVALLA.

2. LIZY CHACKO, AGED 64 YEARS,
   W/O.LATE P.M.CHACKO, THEKKIL PUTHENPURAYIL,
   KALLUNKAL P.O., NEDUMPHRAM VILLAGE, THIRUVALLA.

BY ADV. SRI.S.RAJEEV

RESPONDENTS:

STATE OF KERALA,
REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA,
ERNAKULAM (CRIME NO.144 OF 2007
OF PULIKEEZHU POLICE STATION).

BY PUBLIC PROSECUTOR SRI.S.U.NAZER

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 16/07/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R.BASANT, J.

B.A.No.4312 of 2007

Dated this the 16th day of July 2007

O R D E R

Application for anticipatory bail. The petitioners are the husband and step-mother of the husband of the de facto complainant. The marriage between the spouses took place on 13/2/2006. The petitioners face allegations under Section 498A I.P.C. A crime was registered inter alia under Section 498A read with 34 I.P.C on the basis of a private complaint filed before the learned Magistrate and referred by the learned Magistrate under Section 156(3) Cr.P.C. Investigation is in progress. The petitioners apprehend imminent arrest.

2. The learned counsel for the petitioner submits, the learned Public Prosecutor does not oppose the said prayer and I am satisfied that the petitioners can be granted anticipatory bail. In coming to this conclusion, the reality that if the petitioners were arrested and detained in custody, that would mar all possibilities of harmony in the marriage, does weigh with me considerably. No specific allegations of overt physical violence is made also.

3. In the result, this petition is allowed. Following directions are issued under Section 438 Cr.P.C in favour of the petitioner.

i) Petitioners shall surrender before the learned Magistrate having jurisdiction at 11 a.m on 23/7/2007.

ii) They shall be released on regular bail on condition that they execute bonds for Rs.25,000/- (Rupees twenty five thousand only) each with two solvent sureties each for the like sum to the satisfaction of the learned Magistrate.

iii) The petitioners shall make themselves available for interrogation before the investigating officer between 10 a.m and 3 p.m on 24/07/2007 and 25/07/2007 and thereafter on all Mondays and Fridays between 10 a.m and 12 noon for a period of two months and subsequently as and when directed by the investigating officer in writing to do so.

(iv) If the petitioners do not appear before the learned Magistrate as directed in clause (i), directions issued above shall thereafter stand revoked and the police shall be at liberty to arrest the petitioners and deal with them in accordance with law, as if these directions were not issued at all.

(v) If they were arrested prior to 23/7/2007, they shall be released from custody on their executing a bond for Rs.25,000/- (Rupees twenty five thousand only) without any sureties, undertaking to appear before the learned Magistrate on 23/7/2007.

(R.BASANT, JUDGE)

jsr

// True Copy// PA to Judge

R.BASANT, J.

CRL.M.CNo.

ORDER

21ST DAY OF MAY2007